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15 *Attorneys for Defendants*
16 *Shein Distribution Corporation,*
17 *Roadget Business Pte. Ltd., and*
18 *Zoetop Business Company, Limited*

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22 UNITED STATES DISTRICT COURT
23
24 CENTRAL DISTRICT OF CALIFORNIA

25 KRISTA PERRY, an individual;
26 LARISSA MARTINEZ, an individual;
1 JAY BARON, an individual; RACHEL
2 PFEFFER, an individual; DIRT BIKE
3 KIDZ, Inc., a California corporation;
4 ESTELLEJOYLYNN, LLC, a New
5 Jersey limited liability company;
6 JESSICA LOUISE THOMPSON
7 SMITH, an individual; and LIV LEE, an
8 individual,
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10 Plaintiffs,

11 v.
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13 SHEIN DISTRIBUTION
14 CORPORATION, a Delaware
15 corporation; SHEIN FASHION
16 GROUP, INC.; ROADGET BUSINESS
17 PTE. LTD; ZOETOP BUSINESS
18 COMPANY, LIMITED; CHRIS XU;
19 and DOES 1-10 inclusive.

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21 Defendants.
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Case No. 2:23-cv-05551-MCS-JPR

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30 **DEFENDANTS' NOTICE OF
31 MOTION AND MOTION TO
32 DISMISS PLAINTIFFS' THIRD
33 AND TWELFTH CLAIMS FOR
34 RELIEF AND MOTION TO
35 STRIKE PORTIONS OF THE
36 FIRST AMENDED COMPLAINT**

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38 *[Memorandum of Points and
39 Authorities; [Proposed] Order
40 Submitted Concurrently Herewith]*

41 Date: January 22, 2024
42 Time: 9:00 a.m.
43 Place: Courtroom 7C
44 Judge: Hon. Mark C. Scarsi

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE THAT on January 22, 2024, at 9:00 a.m., or as soon
3 thereafter as the parties may be heard, in the United Stated District Court for the
4 Central District of California, located at 350 West First Street, Los Angeles,
5 California, before the Honorable Mark C. Scarsi in Courtroom 7C, Defendants Shein
6 Distribution Corporation, Roadget Business Pte. Ltd., and Zoetop Business Company,
7 Limited (collectively, “Defendants”) will and hereby do move the Court for an order
8 dismissing with prejudice Plaintiffs Krista Perry, Larissa Martinez, Jay Baron,
9 Rachel Pfeffer, Dirt Bike Kidz, Inc., EstelleJoyLynn, LLC, Jessica Louise Thompson
10 Smith, and Liv Lee’s (collectively, “Plaintiffs”) Third and Twelfth Claims for Relief
11 of the First Amended Complaint (“FAC”) pursuant to Rule 12(b)(6) of the Federal
12 Rules of Civil Procedure on the following grounds:

- 13 • Twelfth Claim for Relief: Plaintiffs fail to state a RICO claim because (i)
14 garden variety copyright infringement claims, like those alleged by
15 Plaintiffs here, cannot serve as predicate acts to establish a RICO violation,
16 regardless of whether the predicate act is styled as criminal copyright
17 infringement or wire fraud, (ii) Plaintiffs do not, and cannot sufficiently
18 plead a wire fraud violation, (iii) Plaintiffs do not, and cannot, adequately
19 allege proximate causation as required by the RICO statute, and (iv)
20 Plaintiffs fail to adequately allege that each of the Defendants conducted or
21 participated in the conduct of a RICO enterprise; and
- 22 • Third Claim for Relief: Plaintiff Baron fails to state a copyright
23 infringement claim because his alleged artwork is not protectable under
24 copyright law.

25 Additionally, Defendants will and hereby do move the Court to strike the
26 certain portions of Plaintiffs’ FAC as immaterial, impertinent, and scandalous
27 pursuant to Rule 12(f) of the Federal Rules of Civil Procedure. Specifically,

1 Defendants will and hereby move to have the following matters stricken from the
2 FAC:

- 3 • FAC ¶ 1 at page 1, lines 12-15 (alleging that Shein is a “societal
4 threat” contributing to “environmental damage, sweatshop (or worse)
labor conditions, tax avoidance, child safety”);
- 5 • *Id.* ¶ 1 at page 1 n.1, lines 21-23 (alleging that the “dangers posed by
Shein” include “exploitation of trade loopholes” and “forced labor”);
- 6 • *Id.* ¶ 2 at page 2, lines 1-4 (alleging that Shein “survives grave reports
of slave labor”);
- 7 • *Id.* ¶ 2 at page 2, lines 10-13, and page 3, line 1 (alleging that Shein
sells “Swastikas”);
- 8 • *Id.* ¶¶ 32-34 at pages 12-13 (alleging that Shein has been criticized
regarding “Forced Labor,” “Other labor violations,” “Health
hazards,” “Environmental impact,” and “Tax avoidance”);
- 9 • *Id.* ¶ 37 at page 15, line 12 (alleging that Shein’s products are “cut
10 and sewn in a sweatshop”);
- 11 • *Id.* ¶ 40 at page 16, line 23 (alleging that Shein “employs the
sweatshop” version of a design process); and
- 12 • *Id.* ¶ 46 at page 19, lines 13-14 (alleging that Shein uses
13 “questionable labor practices”).

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16 This Motion is based on this Notice of Motion, the accompanying
17 Memorandum of Points and Authorities, the [Proposed] Order Granting Defendants’
18 Motion to Dismiss and Motion to Strike, all papers and records on file in this action,
19 and any matters that may properly come before the Court at or before the hearing on
20 this Motion.

21 This Motion is made following the conference of counsel pursuant to Local
22 Rule 7-3, which took place on November 16, 2023.

1 DATED: December 1, 2023

PAUL HASTINGS LLP

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3 By:/s/ *Steven A. Marenberg*
4 Steven A. Marenberg

5 *Attorneys for Defendants*

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